

From:

03/05/2004 13:49 #089 P.010

Application No. 09/925,293
Page 9

REMARKS

This Amendment is responsive to the Office Action mailed on December 8, 2003.

Claims 1-42 are pending. Of these, claims 15, 16, 18 and 24-39 have been withdrawn from consideration pending allowance of a generic claim. Claims 1-2, 8, 11 and 17 are rejected as being anticipated by Palmer (U.S. 5,653,073). Claims 1, 8, 12, 17 and 19 are rejected as being anticipated by Guhl (U.S. 6,260,251). Claims 9-10 and 13 are rejected as being obvious over Palmer in further view of Guhl et al. (U.S. 6,055,783). Claims 3-7, 14 and 21-22 are rejected as being obvious over Guhl '251 in further view of Leopold (U.S. 5,313,761). Claim 23 is rejected as being obvious over Guhl '251 in further view of Tibble (U.S. 3,573,149). Claim 40 is rejected as being obvious over Guhl '251 in further view of Rundo (U.S. 4,873,803). Claims 1, 8-11, 13, 17, 23 and 41-42 are rejected as being obvious over Guhl et al. '783 in view of the collective teachings of Guhl '251 and Tibble et al. A *provisional* double patenting rejection has also been made with respect to claims 1, 3-5, 7-9, 12, 17, 19 and 23. In the event the provisional double patenting rejection is maintained in view of the amended claims, Applicants will file an appropriate terminal disclaimer. The remaining claim rejections are traversed in view of the foregoing amendments and the comments which follow.

Independent claim 1 has been amended to set forth the sequence in which an integrated sash window is fabricated in accordance with the present invention. This sequence is not found in the prior art, which manufactures windows in a completely different way. Moreover, claim 1 now states that the second glazing pane is mounted to the first glazing pane via an adhesive. Such structure is not found in the prior art.

In conventional prior art windows, an insulating glass (IG) assembly is first manufactured by mounting parallel glass panes to an internal metal spacer. This IG unit (including the spacer and two glass panes hermetically sealed thereto) is then separately mounted into a window frame using a technique known as "back-bedding," where an

adhesive sealant is applied around a perimeter edge of the frame and the IG unit is then set down on the sealant.

The present invention builds the window directly on the frame. There is no fabrication of a separate IG unit that is then mounted onto the frame. Thus, the prior art neither discloses or suggests the method of making windows claimed by Applicants.

Applicants submit that the closest prior art is the Tibble et al. reference cited by the examiner. In Tibble, et al., Figure 1 shows a structure similar to the prior art process mentioned above, in which the equivalent of an IG unit is produced using a electrically softened sealing strip 12 between the glass panes instead of a metal spacer. Once the double glass pane unit is completed (separate and apart from the window frame), the "completed unit is then glazed to a wood or metal frame with putty" (column 4, lines 11-12). The embodiment of Figure 2 works the same way, with the IG unit being completed before the whole structure is mounted into the frame. Such a fabrication technique is entirely different from that claimed by Applicants, as the completed IG unit is finished before it is mounted to the window frame.

Figures 3 through 7 of Tibble et al. show a different embodiment, where a single pane window is converted to a double pane window in the field. The existing glass pane is utilized as one of the double glazing panes. This pane (11a) is installed during the original manufacture of the window and is left intact. As can be seen from the figures, at the factory, pane 11a was installed *from the left side* of the window frame (Fig. 4a). This is clear due to the lip on which the pane 11a rests. An electrical sealing strip 12 is then inserted *from the right side* of the window frame (Fig. 5a). The second glazing pane 11b is then inserted from the *right side*, and the sealing strip 12 is softened by electrical heating. A covering strip 16 is then inserted from the *right side* (Fig. 7a).

Applicants' claim 1 clearly states that a sash frame is provided that has a glazing pane installation opening accessible from "a first side thereof." Both the first and second glazing panes are inserted into this opening from the same side. The Tibble et al. structure cannot possibly meet this limitation, since in the only embodiment where no prefabricated

From:

03/05/2004 13:50 #089 P.012

Application No. 09/925,293
Page 11

IG unit is provided, the glass panes are introduced from different sides. Moreover, claim 1 requires that the first glazing pane be inserted and placed adjacent the glazing pane support surface of the frame *with a sealant therebetween*. There is no such sealant between the glass and the frame in Tibble et al.

Applicants' claim 1 further specifies that after the first glazing pane is inserted, a second glazing pane is inserted into the opening and mounted to the first glazing pane via an adhesive. Then, at least one glazing bead is installed. Each of the first glazing pane, second glazing pane, and glazing bead are installed from the same side of the sash frame.

Nothing in Tibble et al. (or any of the other prior art references of record taken alone or in combination) suggest a fabrication method as claimed by Applicants. Guhl '251 is an example of the prior art technique of completing the manufacture of a separate IG unit (Figure 4, element 24) which is then back-bedded into the frame 41. See, e.g., Guhl '251 column 5 lines 4-13. Leopold also relates to an IG unit structure. Guhl et al. '783 and Palmer insert glass from the same side of a frame, but have portions of the frame separating the glazing panes. Thus, they do not disclose or suggest Applicants' claimed structure wherein an inside surface perimeter of the second pane is mounted to an inside surface perimeter of said first glazing pane via an adhesive. In fact, both Guhl et al '783 and Palmer provide separate steps for mounting two different size glass panes to the frame, insuring that the glass panes will not be mounted to each other. Accordingly, Applicants' claim 1 is believed to be novel and unobvious over the prior art. Applicants' dependent claims add further features that distinguish over the prior art.

Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the amended claims and the above discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

In the Office Action, the Examiner noted that several of the foreign prior art references were not considered as they were not in the English language. Applicants respectfully submit that the drawings of these references are sufficient to indicate the

From:

03/05/2004 13:50 #089 P.013

Application No. 09/925,293
Page 12

relevance of the references. The Examiner is therefore requested to consider these references at least to the extent of the drawings, and to indicate such on the enclosed duplicate copies of the originally submitted PTO-1449 forms.

In view of the above, the Examiner is respectfully requested to reconsider this application and allow each of the presently pending claims. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicant's undersigned attorney.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Law Office of Barry R. Lipsitz
755 Main Street
Monroe, CT 06468
(203) 459-0200

Attorney Docket No.: IND-109.1
Date: March 5, 2004